

EXECUTIVE NOTE

The Public Transport Users' Committee for Scotland Order 2006 SSI/2006/250

1. The above instrument was made in exercise of the powers conferred on the Scottish Ministers by sections 41 (1) and (2), 42(3) and 52(4) of the Transport (Scotland) Act 2005(a). This instrument is subject to the negative resolution procedure.

Policy Objectives

2. Section 41 of the Transport (Scotland) Act 2005, which received its Royal Assent on 05 August 2005, places a duty on Scottish Ministers to establish a Public Transport Users' Committee for Scotland. The Public Transport Users' Committee for Scotland (the "PTUC") will be an advisory NDPB established under that section.

3. During the passage of the Transport Bill the then Transport Minister, gave a commitment in Parliament to establish a multi-modal Public Transport Users' Committee. The PTUC will give expert and informed advice to Ministers and represent the interests of transport users.

4. The Scottish Ministers will appoint the convener and eleven other members of the Committee. A separate Order will bring PTUC appointments within the remit of the Office of the Commissioner for Public Appointments in Scotland.

5. The PTUC will take on the functions of the Bus User Complaints Tribunal ("BUCT"). These functions are to be delegated to a sub-committee and the Order specifies that the sub-committee should be established as soon as practicable after the PTUC comes into being. At the same time as the sub-committee is established it is intended that the Bus Users Complaints Tribunal Regulations 2002 will be revoked, by Regulations which will be laid separately.

6. Schedule 1 of the order sets out how the sub-committee dealing with bus user complaints will operate. All three members of BUCT and their part-time member of staff will be working with the Executive to ensure that the transitional process runs smoothly.

7. The Order is drafted to allow the PTUC to establish any other sub-committees it considers necessary. With the exception of the sub-committee dealing with bus user complaints the intention is that the new body should decide on its sub-committee structure rather than Scottish Ministers being prescriptive. The appointment of members to the sub-committees would also be a matter for the PTUC; each sub-committee containing at least one member of the main committee.

8. The PTUC will come into being on 01 January 2007.

Consultation

9. During the passage of the Transport (Scotland) Act 2005 a commitment was given to consult widely before establishing the new body. On 28 December 2005 the Scottish Executive issued the consultation document *Proposals for a Public Transport Users' Committee for Scotland*. The consultation document was widely distributed and invited views on the structure, remit and membership of the new body.

10. The consultation ran until 22 March 2006 and a total of 74 responses were received from users, providers and representative bodies. These responses can be viewed on the Scottish Executive website. A report on the consultation will be drawn up and will also be placed on the website. The Convener of BUCT has been consulted on this draft order.

Financial Effects

11. Prior to the consultation exercise, the estimated cost of the PTUC was £100k per annum including set-up costs, staffing, accommodation, publicity, IT and office equipment, allowances and expenses, and member recruitment.

12. The objective is to minimise the costs of establishing and running the PTUC through efficiencies achieved by the integration of BUCT and close working with the Mobility and Access Committee Scotland (MACS). The PTUC will utilise the former BUCT budget and will keep costs to a minimum by sharing its secretariat and accommodation with MACS. Merging the PTUC and MACS budgets to enable further savings is being considered. Research to be carried out by the PTUC may be met from the existing Scottish Executive research budget.

13. The Order allows for members to be paid allowances and receive expenses. The levels of payments will be determined by the Scottish Ministers and will be at the lower end of the scale for payments made to members of Scottish public bodies.

14. The instrument has no financial effects on local government or on business. The Order does not alter the mechanisms for dealing with complaints in so far as users and operators are concerned.

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09 May 2006